



Federal Communications Commission
Washington, D.C. 20554

May 25, 2017

Re: WC Docket 12-375

DA 17-515

Dear Mr. Trathen,

I am writing in response to the requests for clarification Pay Tel Communications, Inc. (Pay Tel) included in the exhibit attached to its March 28, 2017 filing in WC Docket 12-375.¹

The Pricing Policy Division staff has reviewed Pay Tel's questions and our responses are reflected in the attached appendix. Please note that these responses are advisory in nature to assist Pay Tel in submitting its annual reports, and reflect only the views of Division staff. The responses do not contravene the requirements and definitions of the Commission's Order² and rules.³ Nor do they supersede or supplant the language in the forms and instructions that the Office of Management and Budget approved in January.⁴

If you have further questions, please contact Gregory Capobianco, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-0808 or via email at Gregory.Capobianco@fcc.gov.

Sincerely,

Pamela Arluk
Division Chief
Pricing Policy Division

¹ Pay Tel March 28, 2017 Comments, WC Docket No. 12-375, Ex. A; *see also Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, DA 17-431, para. 10 & n.26 (WCB May 8, 2017) (extending the deadline for providers of inmate calling services to submit annual reports and noting that staff may address Pay Tel's request separately).

² *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (*2015 ICS Order*).

³ 47 CFR § 64.6060.

⁴ *See* 82 Fed. Reg. 12182 (March 1, 2017); *see also* 82 Fed. Reg. 12992 (March 8, 2017).

APPENDIX

Staff's Responses to Pay Tel's Requests for Clarification

Section I – Basic Information

Item 7. The Instructions ask that the ICS provider list the number of prisons in which the provider currently offers ICS.

(1) Should providers include any prison served at any time during calendar year 2016, or only those served as of December 31, 2016? **Staff Response: Those served as of December 31 of the preceding calendar year.**

(2) Prisons are typically operated as a group under the governance of the State Department of Corrections (or other similar organization). Should providers report prisons by individual physical location (i.e. Northwest State Prison) or by the contracted group (i.e. XYZ State Department of Corrections)? **Staff Response: By individual physical location.**

(3) Based on the response to question (2) above, should providers assume the same approach when completing each table in the Annual Report Form? **Staff Response: Yes.**

Items 8-10. The Instructions ask that the ICS provider list the number of jails in which the provider currently offers ICS for jails with varying ADP.

(1) Should providers include any jail served at any time during calendar year 2016, or only those served as of December 31, 2016? **Staff Response: Those served as of December 31 of the preceding calendar year.**

(2) Some jurisdictions have multiple jail facilities which operate as a group under the governance of the Sheriff's Office or Regional Jail Authority (or other similar organization). Should providers report jails by individual physical location (i.e. ABC County Jail) or by the contracting authority (ABC Sheriff's Department)? **Staff Response: By individual physical location.**

(3) In a few instances, multiple facilities are located at one physical location. An example of this would be a work release facility under the same roof as the main jail facility. How should such facilities be treated for reporting purposes (i.e., as one facility or multiple facilities)? **Staff Response: As multiple facilities.**

Sections II and II(a) – ICS Rates & Narrative Description of ICS Rates

(1) Regarding "Intrastate Rate": Many providers have separate and distinct per-minute rates for local calls and intrastate long distance calls. Should providers list both rates in this "Intrastate Rate" column, or enter "Yes" in the "Intrastate Rates Different from Listed Rate" column and utilize the "Narrative Description of ICS Rates" section and, if necessary, an appendix to detail the local rate? **Staff Response: The latter (i.e., "yes," with an explanation).**

(2) Section II requests facility specific rates, but Items 1 and 2 in Section II(a) refer to average rates. Please clarify. **Staff Response: In Section II(a), please provide an explanation for any facilities for which you entered "yes" in response to "Intrastate Rates Different from Listed Rate" or "Interstate Rates Different from Listed Rate" in section II.**

(3) Rates changed for jails on June 20, 2016 due to the elimination of per-call charges and the transition to a per-minute rate for all intrastate calls. Should providers report the rate prior to June 20, 2016, or after June 20, 2016, or both? **Staff Response: Both. Please describe any changes in the rates.**

Section III – Ancillary Service Charges

(1) Regarding “Automated Payment Fees”: The Instructions refer to “bill processing fees”; please clarify what is meant by this term. **Staff Response: Please refer to 2015 ICS Order, 30 FCC Rcd at 12846-47, paras. 163-67 & n.577, and 47 CFR § 64.6000(a)(1).**

(2) Regarding “Fees for Single Calls and Related Services”: Many single call payment options have two rate components: a payment fee and a per-minute rate for the call. Where that is the case, should the response to this item separately list the different rate components? **Staff Response: Yes.**

(3) Regarding “Third-Party Financial Transaction Fees”: Should providers separately identify and list each third-party processor? **Staff Response: Yes.**

(4) Regarding “Number of Times Each Fee Has Been Charged”: Customers may open an account to pay for calls from multiple facilities. Thus, fees are customer-specific, rather than facility-specific. How should a provider report this? Should a provider report an aggregate figure for all locations, or estimate a number of times each fee has been charged for each facility by allocating payments based on the number of calls? A similar issue would exist with respect to third-party fees, as each fee cannot be tied to a particular facility. How should a provider report this? Should a provider report an aggregate figure for all locations, or estimate a number of times each fee has been charged for each facility by allocating payments based on the number of calls? **Staff Response: Please report by facility, not by customer. If you must allocate, please provide an explanation of why an allocation is necessary and/or what methodology you used to allocate the payments.**

Section IV – Variable Site Commission Payments

(1) Regarding “Monthly Amount of Variable Site Commission Payments”: The facilities served change throughout the year as new facilities are added and existing contracts expire. If a facility has been active for less than a full year, should the average be calculated over the number of active months only, or should reporting be limited to only those facilities that have been active for the full calendar year? **Staff Response: Please calculate the average over the number of months that the facility has been active.**

Section VI – Video Calling Services

(1) Regarding “List of Ancillary Fees (types)”: The Instructions refer to “permitted” ancillary service charges. Please clarify what is meant by “permitted”—and, relatedly, “not permitted” in this context. **Staff Response: Please refer to 2015 ICS Order, 30 FCC Rcd at 12845-53, paras. 161-78, and 47 CFR § 64.6020.**

(2) To the extent that Video Visitation services are provided through a third-party subcontractor, a provider does not have access to all of the information requested,

including, for example, information about the number of times each fee has been charged. Please clarify how this should be reported. **Staff Response: Please report this information to the extent that it is available. Please explain any limitations on your ability to obtain any part of the information requested.**

Section VII – Disability Access

(1) Providers may provide the necessary equipment (TTY devices) to facilities for processing of these calls over an administrative network. In such cases, there is no cost to the inmate or called party for these calls. How should this portion of the Annual Report be completed in such a situation? **Staff Response: If there is no cost to the inmate, please report the rate as zero, and provide all of the other information requested regarding TTY-based calls.**